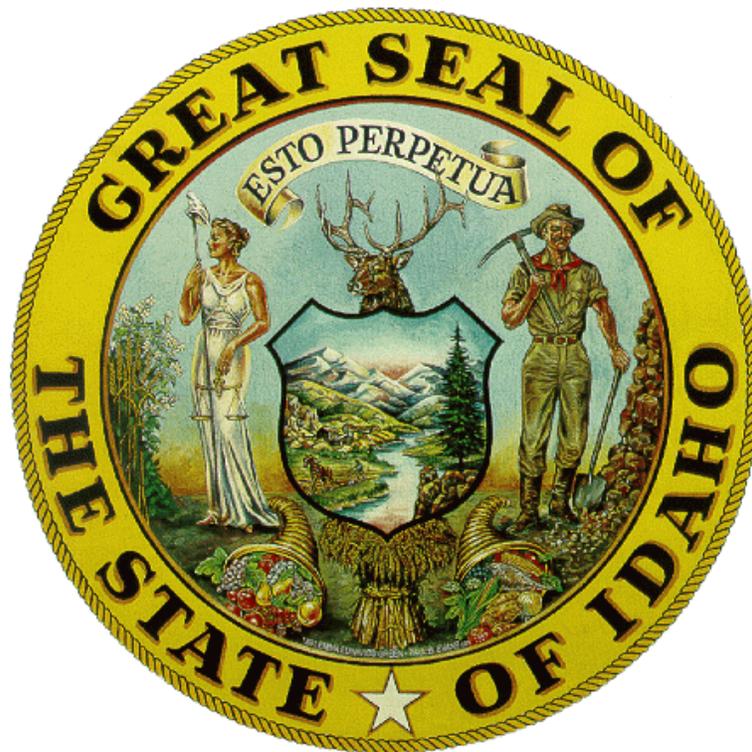


DIVISION OF BUILDING SAFETY

IDAHO HEATING, VENTILATION AND  
AIR CONDITIONING BOARD  
VIDEOCONFERENCE MEETING

MAY 13, 2015



# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

## Agenda Item No. 01

## Agenda

**PRESENTER:** Dan Brizee, Chairman

---

**OBJECTIVE:** Approve agenda for the May 13, 2015 Idaho HVAC Board meeting.

---

**ACTION:** Consent

---

**BACKGROUND:**

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** Tentative agenda

---



# **TENTATIVE AGENDA**

## **NOTICE OF PUBLIC MEETING**

### **IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD VIDEOCONFERENCE MEETING**

**Division of Building Safety  
1090 E. Watertower St., Ste. 150, Meridian  
1250 Ironwood Dr., Ste. 220, Coeur d'Alene  
2055 Garrett Wy., Bldg. 1, Ste. 4, Pocatello  
1118 F St., Lewiston (DEQ)  
650 Addison Ave.W., Ste. 110, Twin Falls (DEQ)  
900 N. Skyline, Ste. B, Idaho Falls (DEQ)**

**db.s.idaho.gov – (208) 332-7137**

**Wednesday, May 13, 2015**

**9:30 a.m. – 3:30 p.m. (MT)**

*(Note: North Idaho - Meeting Commences @ 8:30 a.m. PT)*

---

**9:30 a.m. CALL TO ORDER – Dan Brizee, Chairman**

- o Roll Call & Introductions
- o Open Forum

#### **CONSENT AGENDA**

1. Approval of the May 13, 2015 Agenda
2. Approval of the February 11, 2015 Board Meeting Minutes

#### **ACTION AGENDA**

3. Administrative Appeals Hearing – Jerry Peterson
  - a. High Efficient – NOV HVC1501-0010
  - b. Monte Evans – NOV HVC1501-0022
  - c. Lenora Akins – NOV HVC1501-0020
  - d. Evans Plumbing – NOV HVC15-0003

#### **INFORMATIONAL AGENDA**

4. Curriculum Approval for Brown Mackie College – Brown Mackie College
5. Proposed Legislation--Title 54 Chapter 50 – Steve Keys

**12 p.m. LUNCH BREAK (If needed)**

6. Program Manager Report – Jerry Peterson
7. Operational Report – Steve Keys
8. Administrator Report – C. Kelly Pearce
  - a. Financial Report – Fred Sisneros

**3:30 p.m.      ADJOURN**

*All times, other than beginning, are approximate and are scheduled according to Mountain Time (MT), unless otherwise noted. Agenda items may shift depending on Board preference. 04/15/2015*

# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

**Agenda Item No. 02**

**Minutes**

**PRESENTER:** Dan Brizee, Chairman

---

**OBJECTIVE:** Approve minutes from the February 11, 2015 Idaho HVAC Board meeting.

---

**ACTION:** Consent

---

**BACKGROUND:**

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** Draft minutes

---



**IDAHO HEATING, VENTILATION AND  
AIR CONDITIONING BOARD  
VIDEOCONFERENCE MEETING**

**Wednesday – February 11, 2015 – 9:30 a.m. (MT)**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian  
1250 Ironwood Drive, Suite 220, Coeur d'Alene  
2055 Garrett Way, Building 1, Suite 4, Pocatello  
1118 F Street, Lewiston (Vocational Rehabilitation - VR)  
650 Addison Avenue West, Suite 102, Twin Falls (VR)  
1825 Hoopes Avenue, Idaho Falls (VR)**

**\*DRAFT MINUTES OF THE FEBRUARY 11, 2015 MEETING**

NOTE: The following report is not a verbatim transcript of the discussions at the meeting,  
but is intended to record the significant features of those discussions.

**Board Members Present:**

Dan Brizee, Chairman  
Ted Sermon, Vice-Chairman  
Tim LaMott  
Arlyn Tietz  
Bill Vandegrift  
Bruce Graham

**Board Members Absent:**

Bill Carter

**DBS Staff Members Present:**

C. Kelly Pearce, Administrator  
Steve Keys, Deputy Administrator-Operations  
Ron Whitney, Deputy Administrator-Administration  
Patrick Grace, Deputy Attorney General  
Jerry Peterson, HVAC Program Manager  
Bill Hatch, Public Information Officer  
Terry Blessing, Regional Manager, Region 1  
Gary Sonnen, Regional Supervisor, Region 1  
Adam Bowcutt, Regional Supervisor, Region 3  
Jason Black, IT Resource Manager  
Renee Bryant, Administrative Assistant 2/Board Secretary

**DBS Staff Members Absent:**

Chris Jensen, Regional Manager, Region 3  
Kevin Gellings, Regional Supervisor, Region 2

◆ **Open Forum**

No issues or concerns were brought forth.

◆ **Approval of the February 11, 2015 Agenda**

MOTION: Ted Sermon made a motion to approve the agenda as presented. Tim LaMott seconded. All in favor, motion carried.

◆ **Approval of the November 12, 2014 Board Meeting Minutes**

MOTION: Ted Sermon made a motion to approve the minutes as written. Tim LaMott seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearings**

The appeal hearings for Joshua Jordan, NOV HVC1410-0028; Gabriel Knickerbocker, NOV HVC1410-0029; Kenneth L. Justesen, NOV HVC1410-0030 and Dave's Appl. Inc. dba Double D Heating Inc., NOV HVC1410-0032 are all directly related and the outcome of one may determine the others. Therefore, the HVAC Program Manager requested the appeals be addressed out of order starting with Dave's Appl. Inc. dba Double D Heating Inc., NOV HVC1410-0032.

Dave's Appl. Inc. dba Double D Heating Inc. – NOV HVC1410-0032 – David DeMayola represented Dave's Appl. Inc. dba Double D Heating Inc., HVAC Program Manager Jerry Peterson represented DBS and Deputy Attorney General Patrick Grace was the facilitator. Joshua Jordan and Gabriel Knickerbocker were witnesses for Dave's Appl. Inc. dba Double D Heating Inc.

Mr. DeMayola objected to the Division's Exhibits I and J; stating the invoices had confidential customer information, is the property of Dave's Appl. Inc. dba Double D Heating Inc. and irrelevant to the case. The Exhibits remained as evidence; however, the customer's information and pricing were redacted.

**MOTION:** Ted Sermon made a motion for the documents to remain as part of the Division's case. Bill Vandegrift seconded.

**AMENDED MOTION:** Tim LaMott made a motion to redact the customer information and pricing on Exhibits I and J. Bill Vandegrift seconded. A vote was called. Ted Sermon, nay; Tim LaMott, aye; Bruce Graham, aye; Bill Vandegrift, aye; Arlyn Tietz, aye and Dan Brizee, aye. 5 ayes and 1 nay, motion carried.

**MOTION (CONT):** A vote was called. Arlyn Tietz, aye; Bill Vandegrift, aye; Bruce Graham, aye; Tim LaMott, aye; Ted Sermon, aye and Dan Brizee, aye. All in favor, motion carried.

Exhibits 1 through 5, provided by Mr. DeMayola, were entered into the record.

**MOTION:** Ted Sermon made a motion to accept the five documents as presented. Tim LaMott seconded. 5 ayes and 1 nay, motion carried.

All parties provided testimony and argument on NOV HVC1410-0032, violation of IDAPA 07.07.01.070.04 "Supervision". The Board upheld the NOV and Mr. DeMayola was advised of his rights.

**MOTION:** Ted Sermon made a motion to uphold the NOV issued to Dave's Appl. Inc. dba Double D Heating Inc. Bill Vandegrift seconded. A vote was called. Arlyn Tietz, aye; Bill Vandegrift, aye; Bruce Graham, aye; Tim LaMott, nay; Ted Sermon, aye and Dan Brizee, nay. 4 ayes and 2 nays, motion carried.

**ACTION:** The Deputy Attorney General will create a Final Order for the Chairman's signature and provide a signed copy to David DeMayola.

Gabriel Knickerbocker – NOV HVC1410-0029 and Kenneth L. Justesen – NOV HVC1410-0030 – The HVAC Program Manager stated there was a reasonable assumption Gabriel Knickerbocker and Kenneth L. Justesen were not aware they were not being properly supervised. Both cases were amended to warnings and the civil penalty fees, \$200 each, will be refunded to Messrs. Knickerbocker and Justesen.

**ACTION:** DBS will refund the civil penalty fees, \$200 each, to Gabriel Knickerbocker and Kenneth L. Justesen.

Joshua Jordan – NOV HVC1410-0028 – Joshua Jordan represented himself, HVAC Program Manager Jerry Peterson represented DBS and Deputy Attorney General Patrick Grace was the facilitator.

All parties provided testimony and argument on NOV HVC1410-0028, violation of IDAPA 07.07.01.070.04 "Supervision". The Board rejected the NOV and Mr. Jordan was advised of his rights.

**MOTION:** Tim LaMott made a motion to reject the NOV to Joshua Jordan. Ted Sermon seconded. A vote was called. Arlyn Tietz, aye; Bill Vandegrift, nay; Bruce Graham, aye; Tim LaMott, aye; Ted Sermon, aye and Dan Brizee, aye. 5 ayes and 1 nay, motion carried.

**ACTION:** The Deputy Attorney General will create a Final Order for the Chairman's signature and provide a signed copy to Joshua Jordan.

**ACTION:** DBS will refund the \$200 civil penalty fee to Joshua Jordan.

Dave's Appl. Inc. dba Double D Heating Inc. – NOV HVC1410-0033 – David DeMayola represented Dave's Appl. Inc. dba Double D Heating Inc., HVAC Program Manager Jerry Peterson represented DBS and Deputy Attorney General Patrick Grace was the facilitator. Joshua Jordan and Kenneth Justesen were witnesses for Dave's Appl. Inc. dba Double D Heating Inc.

All parties provided testimony and argument on NOV HVC1410-0033, violation of IDAPA 07.07.01.070.02 "Employees". Prior to the meeting, the Division reduced the fine from \$1,000 to \$500. The Board rejected the NOV and Mr. DeMayola was advised of his rights.

**MOTION:** Tim LaMott made a motion to reject the NOV based on the testimony provided at the hearing. Bill Vandegrift seconded. A vote was called. Arlyn Tietz, aye; Bill Vandegrift, aye; Bruce Graham, aye; Tim LaMott, aye; Ted Sermon, aye and Dan Brizee, aye. All in favor, motion carried.

**ACTION:** The Deputy Attorney General will create a Final Order for the Chairman's signature and provide a signed copy to David DeMayola.

**ACTION:** DBS will refund the \$500 civil penalty fee to Dave's Appl. Inc. dba Double D Heating Inc.

◆ **Election of Officers**

Idaho Code § 54-5004 (4) "Idaho heating, ventilation and air conditioning board" states in part, "...At the board's first meeting, and every two (2) years thereafter, the members shall elect one (1) of their number to be chairman and one (1) of their number to be vice-chairman."

Chairman

**MOTION:** Ted Sermon nominated Dan Brizee for chairman. Tim LaMott seconded. All in favor, motion carried.

Vice-Chairman

**MOTION:** Tim LaMott nominated Ted Sermon for vice-chairman. Bill Vandegrift seconded. All in favor, motion carried.

◆ **Negotiated Rulemaking**

This item was briefly addressed under the topic *Proposed Legislation --Title 54 Chapter 50*.

◆ **Proposed Legislation--Title 54 Chapter 50**

At the Board's request, the Deputy Administrator-Operations brought forth draft legislation. The primary change would be the term "residential" journeyman to "limited" journeyman. By rule, the Board can define specific occupancies and types of work an individual would be able to perform.

Also, the proposal would clarify that a person can work in the capacity of an apprentice on work that falls outside his scope on what he is permitted to do as a journeyman. However, when working as an apprentice, the individual would have to meet the requirement applicable to mechanical relative to supervision and so forth.

Negotiated rulemaking is for proposed rules. This is a statute change; therefore, the Board does not have to go through that process.

The Chairman directed DBS to place this topic on the May 2015 agenda as an informational item.

◆ **ACTION:** The topic *Proposed Legislation--Title 54 Chapter 50* will be placed on the May 2015 agenda as an informational item.

◆ **Program Manager Report**

Due to a medical procedure, the HVAC Program Manager left the meeting immediately after the appeal hearings.

◆ **Operational Report**

HVAC Inspections/Permits – Effective February 17, 2015, Twin Falls County will have its own HVAC program for permits and inspections.

◆ **CEU Hours and Renewable/Website**

The Deputy Administrator-Administration addressed proposed changes to the Division’s software program, e-TRAKiT, as it pertains to CEUs and online renewals. A demonstration of the changes to the program was provided by the IT Resource Manager.

◆ **Administrator Report**

Financial Manager – Kathleen Watkins, DBS Financial Manager, has taken a position with Idaho Professional-Technical Education. Her replacement is Fred Sisneros.

Financial Report – The Idaho HVAC Board fund, FY 2015 financial statement as of December 31, 2014, was reviewed.

Compliance – Over the next several months, DBS will concentrate on a compliance program. The vision is for compliance to be the responsibility of one compliance manager, not the program managers. The program would be a stand-alone across the board.

Vehicles – DBS has asked for 14 new vehicles. The Governor has approved the agency for eight. The Division currently awaits the findings of the legislature. Currently, there are 90 vehicles in the Division’s fleet.

Personnel – In its budget, the Division has asked for five additional inspectors. DBS is currently authorized 121 employees; however, as of today, there are only 112.

Construction – Following are new construction projects throughout the state of Idaho: 1) 5-star/5-story hotel, Hailey; 2) Magnida Fertilizer Plant, American Falls; 3) Fort Hall Casino, Fort Hall; and 4) Simplot Packing Plant, Kuna.

◆ **Adjournment**

Chairman Brizee adjourned the meeting at 12:50 p.m. (MT).

\_\_\_\_\_  
DAN BRIZEE, CHAIRMAN  
HEATING, VENTILATION AND  
AIR CONDITIONING BOARD

\_\_\_\_\_  
C. KELLY PEARCE, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

These DRAFT minutes are subject to possible correction and final approval by the Idaho HVAC Board. 02/20/15rb

# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

**Agenda Item No. 03a**

**High Efficient – NOV HVC1501-0010**

**PRESENTER:** Jerry Peterson, HVAC Program Manager

---

**OBJECTIVE:** Administer a ruling on High Efficient’s Appeal – NOV HVC1501-0010

---

**ACTION:** Affirm, reject, decrease or increase the imposed penalties.

---

**BACKGROUND:** The Notice of Violation (NOV) was issued based upon proposed violations to IDAPA 07.07.01.070.02 “Employees”.

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** Documentation from High Efficient and DBS

---



# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

**Agenda Item No. 03b**

**Monte Evans – NOV HVC1501-0022**

---

**PRESENTER:** Jerry Peterson, HVAC Program Manager

---

**OBJECTIVE:** Administer a ruling on Monte Evans' Appeal – NOV HVC1501-0022

---

**ACTION:** Affirm, reject, decrease or increase the imposed penalties.

---

**BACKGROUND:** The Notice of Violation (NOV) was issued based upon proposed violations to IDAPA 07.07.01.070.03 "Certification or Registration".

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** Documentation from Monte Evans and DBS

---



# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

**Agenda Item No. 03c**

**Lenora Akin – NOV HVC1501-0020**

**PRESENTER:** Jerry Peterson, HVAC Program Manager

---

**OBJECTIVE:** Administer a ruling on Lenora Akin’s Appeal – NOV HVC1501-0020

---

**ACTION:** Affirm, reject, decrease or increase the imposed penalties.

---

**BACKGROUND:** The Notice of Violation (NOV) was issued based upon proposed violations to IDAPA 07.07.01.070.06 “Fees and Permits”.

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** Documentation from Lenora Akin and DBS

---



# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

**Agenda Item No. 03d**

**Evans Plumbing – NOV HVC15-0003**

---

**PRESENTER:** Jerry Peterson, HVAC Program Manager

---

**OBJECTIVE:** Administer a ruling on Evans Plumbing’s Appeal – NOV HVC15-0003

---

**ACTION:** Affirm, reject, decrease or increase the imposed penalties.

---

**BACKGROUND:** The Notice of Violation (NOV) was issued based upon proposed violations to IDAPA 07.07.01.070.07 “Correction”.

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** Documentation from Evans Plumbing and DBS

---



# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

## Agenda Item No. 04 Curriculum Approval for Brown Mackie College

**PRESENTER:** Brown Mackie College

---

**OBJECTIVE:** Approve an HVAC Technician program.

---

**ACTION:** Informational

---

**BACKGROUND:**

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** Documentation will be presented at meeting.

---



# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

## Agenda Item No. 05

## Proposed Legislation – Title 54 Chapter 50

**PRESENTER:** Steve Keys, Deputy Administrator-Operations

---

**OBJECTIVE:** Revise statute Title 54. *Professional, Vocations, and Businesses* - Chapter 50. *Installation of Heating, Ventilation, and Air Conditioning Systems*

---

**ACTION:** Informational

---

**BACKGROUND:** May 2014 – A draft rewrite of the existing statute was distributed. The proposed changes were: 1) Change verbiage from “heating, ventilation and air conditioning” to “mechanical”, 2) Establish a category for mechanical residential journeyman, and 3) Board set civil penalties.

July 2014 – Rather than requiring four years of schooling, it was suggested creating two-year skilled competency level training modules based on work types.

The Chairman agreed with the following suggestions: 1) DBS contact the College of Western Idaho (CWI) and ask them to create an alternative; i.e., training modules, to the required four-year apprenticeship program, 2) Board members make a list on what components would look like, and 3) DBS to schedule a work session for the evening of Tuesday, November 11, 2014.

November 2014 – The Division received the Board’s support to move forward with the proposed statutory framework; establishing a residential installer license.

February 2015 – Draft legislation was brought forth. The primary change would be the term “residential” journeyman to “limited” journeyman. This is a statute change; therefore, the Board does not have to go through the negotiated rulemaking process.

The Chairman directed DBS to place this topic on the May 2015 agenda as an informational item.

---

**ATTACHMENTS:** Proposed statute changes

---



**TITLE 54. PROFESSIONS, VOCATIONS, AND BUSINESSES**  
**CHAPTER 50. INSTALLATION OF HEATING, VENTILATION**  
**AND AIR CONDITIONING MECHANICAL SYSTEMS**

**§54-5001. Declaration of policy**

The purpose of this chapter is to ensure that installation of all heating, ventilation and air conditioning mechanical systems in the state of Idaho shall be in accordance with the provisions of the 2012 ~~2003~~ International Mechanical Code, the 2012 ~~2003~~ International Fuel Gas Code, and parts V and VI only of the 2012 ~~2003~~ International Residential Code as published by the International Code Council, applicable to industry and including amendments, revisions, and later editions of these codes as adopted by the Idaho mechanical heating, ventilation and air conditioning board. Nothing in this chapter shall require a local government to adopt or implement a mechanical inspection program unless such local government chooses to do so by an ordinance duly adopted. ~~By January 1, 2005,~~ Local governments that issue mechanical permits and perform mechanical or fuel gas activities shall, by ordinance, adopt and enforce the codes as prescribed by this chapter.

or:

The purpose of this chapter is to ensure that installation of all heating, ventilation and air conditioning mechanical systems in the state of Idaho shall be in accordance with the provisions of the ~~2003 International~~ Idaho Mechanical Code. ~~The 2003 International Fuel Gas Code, and parts V and VI of the 2003 International Residential Code as published by the International Code Council.~~ The Idaho Mechanical Code shall be based upon the provisions of the 2012 edition of the Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), applicable to industry and including amendments, and revisions and later editions of these codes as adopted by the Idaho mechanical heating, ventilation and air conditioning board...

**§54-5002. Exceptions**

Certificate of competency requirements of this chapter shall not apply to:

(1) Any person who installs or maintains a mechanical heating, ventilation and air conditioning system in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwelling; provided that such person owns or a contract purchaser of the premises; and provided further that such person shall comply with the code, standards and rules applicable to mechanical heating, ventilation and air conditioning installation or repairs as provided in this chapter.

(2) Farm buildings located outside the incorporated limits of any city; ~~and a farm building is hereby defined to be a zoned property and designated and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and includes sheds, barns, corrals or fences. The definition does not include a place for human habitation or a place of regular employment where agricultural products are extracted, processed, treated or packaged; a place used by the public; or conditioned live stock housing.~~

(3) Logging, mining or construction camps when **mechanical** heating, ventilation or air conditioning installations are made to conform to recommendations of the department of health and welfare.

(4) Work on **mechanical** heating, ventilating and air conditioning systems on premises owned or operated by an employer who regularly employs maintenance or construction heating, ventilation and air conditioning journeymen **workers**, provided that alterations, extensions and new construction shall comply with the **code** minimum standards and rules applicable to **mechanical** heating, ventilation and air conditioning **installations** practices in accordance with the provisions of this chapter.

(5) Modular buildings, as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-4304, Idaho Code.

### §54-5003. Definitions

As used in this chapter:

**(1) "Farm building" means a structure designed and constructed to house farm implements, hay, grain, livestock, or other horticultural products. The definition includes sheds, barns, corrals and fences. This definition does not include places of human habitation or places of regular employment where agricultural products are extracted, processed, treated or packaged; places used by the public; or conditioned livestock housing.**

(2) "Local government" means any incorporated city or any county in the state.

**(3) "Mechanical Heating, ventilation and air conditioning apprentice" means any person who, as his principal occupation, is registered with the division of building safety engaged in learning and assisting in installation, improvement, extension, alteration or repair of mechanical HVAC systems. An apprentice shall perform mechanical HVAC work under the supervision of a mechanical HVAC journeyman or HVAC contractor.**

**(4) "Mechanical Heating, ventilation and air conditioning contractor" means any person, partnership, company, firm, association or corporation engaged in, conducting, or carrying on the business of installing, fabricating, repairing or servicing mechanical equipment any person who fabricates, installs, maintains, services and repairs warm air heating and water heating systems, heat pumps, complete with warm air appliances including, but not limited to, boilers, pool heaters, space heaters, decorative gas and solid-fuel burning appliances, and gas, propane, electric or oil-fired water heaters; ventilating systems complete with blowers and plenum chambers; air conditioning systems complete with air conditioning unit and the ducts, registers, flues, humidity and thermostatic controls of air, liquid or gas temperatures below fifty (50) degrees Fahrenheit or ten (10) degrees celsius, and air filters in connection with any of these systems.**

**(5) "Mechanical Heating, ventilation and air conditioning journeyman" means any person who, as his principal occupation, is engaged in the installation, improvement, extension, alteration or repair of mechanical HVAC systems and who is familiar with the provisions of this chapter and who works in the employ and under the direction of a mechanical contractor.**

**(6) “Mechanical residential journeyman” means any person engaged in the installation, improvement, extension, alteration or repair of mechanical systems and who is familiar with the provisions of this chapter relative to residential occupancies and who works in the employ and under the direction of a mechanical contractor. This license is applicable to one (1) and two (2) family occupancies only.**

**(7) “Mechanical Heating, ventilation and air conditioning specialty contractor including specialty limited heating contractor” means any person, partnership, company, firm, association or corporation engaged in, conducting, or carrying on a specific limited aspect of the business of installing, fabricating, repairing or servicing mechanical equipment** any person who, as his principal occupation, is engaged in a specific aspect of the heating, ventilation and air conditioning trade that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances.

**(8) “Mechanical Heating, ventilation and air conditioning specialty journeyman including specialty limited heating journeyman” means any person who, as his principal occupation, is engaged in a specific aspect of the installation, improvement, extension, alteration or repair of mechanical HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty journeyman is familiar with the provisions of this chapter and works in the employ and under the direction of an mechanical HVAC contractor or an mechanical HVAC specialty contractor.**

**(9) “Mechanical Heating, ventilation and air conditioning specialty trainee apprentice including specialty limited heating trainee apprentice” means any person who, as his principal occupation, is engaged in learning and assisting in a specific aspect of installation, improvement, extension, alteration or repair of mechanical HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty trainee shall perform mechanical HVAC work under the supervision of a mechanical HVAC journeyman, or mechanical HVAC specialty journeyman or HVAC contractor or an HVAC specialty contractor.**

**(10) “Mechanical” HVAC systems include but are not limited to heating, ventilating, cooling and refrigeration systems, incinerators, gas piping, and other miscellaneous heat-producing appliances.**

**(11) “Specialty limited heating” as it applies to the definitions of “mechanical heating, ventilation and air conditioning specialty apprentice trainee,” “mechanical heating, ventilation and air conditioning specialty contractor” and “mechanical heating, ventilation and air conditioning specialty journeyman” means any person who installs, maintains, services and repairs LP gas-fired appliances, LP fuel gas piping and related exhaust venting. The definition of specialty limited heating shall exclude boilers, hydronic systems, ducted forced air systems, ventilating and air conditioning systems, systems with a BTU input rating over three hundred thousand (300,000), and solid fuel and electric fueled systems. A “specialty limited heating journeyman” is required to meet the experience requirement and either the education or examination requirement set forth in this section to receive a certificate of competency. The education of a “specialty limited heating journeyman” shall include one hundred twenty (120) hours of instruction approved by the board of professional-technical education in LP gas specialty education. The experience requirement of a “specialty limited heating journeyman”**

shall be two (2) years of experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision or as a registered mechanical HVAC apprentice or registered mechanical HVAC specialty trainee apprentice making mechanical HVAC installation on the job under the supervision of a qualified mechanical HVAC journeyman or mechanical HVAC specialty journeyman. The examination required in this section shall be developed by the board of professional technical education division of building safety and approved by the Idaho mechanical HVAC board.

**§54-5004. Idaho mechanical heating, ventilation and air conditioning board**

(1) The Idaho mechanical heating, ventilation and air conditioning board, referred to as the board, is hereby created and made part of the division of building safety. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this chapter, and the board shall make, promulgate and publish such rules as may be necessary to carry out the provisions of this chapter. Except as may be limited or prohibited by law, such rules so made and promulgated shall have the force of statute.

(2) The board shall consist of seven (7) members appointed by the governor, with power of removal for cause. ~~Members appointed to fill positions that expire in 2011 and members appointed to fill the two (2) HVAC contractor positions that expire in 2012 shall be appointed for a term of two (2) years. All other board members appointed to fill positions that expire in 2012 shall be appointed for a term of three (3) years. Thereafter, a~~All board members shall be appointed for a term of three (3) years. Whenever a vacancy occurs, the governor shall forthwith appoint a qualified person to fill the vacancy for the unexpired portion of the term. All members of the board shall be United States citizens, residents of the state of Idaho for not less than two (2) years, and qualified by knowledge, integrity and experience to properly perform the functions of the board. All members of the board shall take, subscribe and file with the secretary of state an oath of office in the form, manner and time as prescribed by chapter 4, title 59, Idaho Code.

(3) Of the seven (7) board members, ~~three (3)~~ **two (2)** members shall be employees representing active HVAC mechanical contractors; ~~each of these representatives with~~ **will have** not less than five (5) years' experience in the HVAC mechanical contracting business; **one (1) member shall be an employee representing an active mechanical contractor engaged in the refrigeration business. The member shall have not less than five (5) years' experience in the refrigeration contracting business;** one (1) member shall be a city official; one (1) member shall be a county official; one member shall be a private sector mechanical engineer with experience in mechanical system design; and one (1) member shall be **an employee representing a mechanical** HVAC specialty contractor.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such times as may be expedient and necessary for the proper performance of its duties. At the board's first meeting and every two (2) years thereafter, the members shall elect one (1) of their number to be chairman and one (1) of their number to serve as vice-chairman. A majority of the board shall constitute a quorum for the transaction of business and not less than two (2) quorum meetings shall be held each year. The board may delegate to any member, or its chairman or other employees **of the division of building safety,** the power to make investigations and hold hearings at any place it may deem proper, and to

report findings to it; and may delegate to its chairman and employees of the division of building safety the performance of ministerial functions.

(5) Each member of the board shall be compensated as provided in section 59-509(n), Idaho Code.

#### **§54-5005. Powers and duties of the board – Limitation**

The board shall have the general administration and supervision of the design, construction, installation improvement, extension and alteration of mechanical heating, ventilation and air conditioning systems, except that which has been heretofore and hereinafter exempted from the jurisdiction of this board, in connection with all buildings, residences and structures in this state including buildings, residences and structures owned by the state or any political subdivision thereof. The division of building safety shall enforce the minimum standards and requirements as provided by this chapter. The board may exercise such powers and duties as are reasonably necessary to carry out the provisions of this chapter, and it may, among other things:

(1) Establish the fees to be charged for reviewing plans, investigations, permits and inspections of mechanical heating, ventilation and air conditioning systems, under the jurisdiction of the state, and to establish such other fees as it deems necessary.

(2) Hold public meetings and attend or be represented at such meetings, within or without the state, prepare and publish rules pertaining to this chapter, and such other information as may be necessary, and furnish copies thereof to those engaged in the business, trade, practice or mechanical work of heating, ventilation and air conditioning and to the public upon request.

(3) Establish by administrative rule the fines to be paid for citations issued and impose civil penalties as provided in this chapter and rules of this board. The board shall also hear appeals regarding the imposition of civil penalties issued for violations of this chapter and rules of the board. The board is authorized to affirm, reject, decrease or increase the penalty previously imposed by the administrator. However, in no case shall the penalty exceed one thousand dollars (\$1,000) for each offense.

The powers and duties of the board within the jurisdictional boundaries of local governments that have chosen to adopt and enforce mechanical codes shall be limited to those powers and duties needed to enforce the requirements governing a certificate of competency or registration. Each local government that has chosen to adopt and enforce mechanical codes shall establish fees to be charged for permits and inspections within its jurisdiction.

#### **§54-5006. Administrator of the division of building safety**

The administrator shall exercise such powers and duties as are reasonably necessary to enforce standards provided in this chapter, and he may, among other things

(1) Serve as secretary to the Idaho mechanical heating, ventilation and air conditioning board.

(2) Appoint state mechanical inspectors who shall be authorized to enter and inspect by and through a properly identified person, at reasonable hours, mechanical heating, ventilation and air conditioning installations systems.

(3) Make **mechanical** HVAC inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable codes of the requesting jurisdiction. Fees charged for such inspection services shall **cover the costs of providing the services** ~~be as provided in the rules promulgated by the board.~~

(4) Notwithstanding the exception provided in section 54-5002(5), Idaho Code, the administrator may make inspections of modular buildings constructed in Idaho upon written request from the manufacturer. Such inspections shall be made in accordance with the codes adopted in this chapter. Inspection fees for such inspections shall be as provided in section 39-4303, Idaho Code. The administrator may issue an insignia of approval if the buildings are in compliance with the requirements set forth in chapter 43, title 39, Idaho Code.

(5) Summon witnesses to appear and testify before him on any matter within the provisions of this chapter. No person shall be required to testify outside the county wherein he resides or where his principal place of business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witness issued from the district court, or in other manner consistent with the procedure of the division of building safety. In case any witness shall fail or refuse to appear and testify upon being summoned as herein provided, the clerk of the district court of the county shall, upon demand by said administrator or his designated agent, issue a subpoena reciting the demand therefore and summoning the witness to appear and testify at a time and place fixed. Violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(6) Administer oaths and take affirmations of witnesses appearing before him or a duly appointed hearing officer; and have the power to appoint competent persons to issue subpoenas, administer oaths and take testimony.

~~(7) Impose civil penalties as provided in this chapter and rules of the board.~~

#### **§54-5007. Requirements for certificates of competency**

The Idaho **mechanical** ~~heating, ventilating and air conditioning~~ board shall provide standards and procedures and prescribe reasonable rules for examination, qualification and certification of **mechanical** ~~heating, ventilating and air conditioning~~ contractors, journeymen, apprentices, specialty contractors, specialty journeymen and specialty ~~trainees~~ apprentices. **Mechanical** HVAC contractors and specialty contractors shall provide a bond in the amount of two thousand dollars (\$2,000) or evidence of such coverage by a corporate industry group bond acceptable to the board.

or:

**Mechanical** contractors and specialty contractors shall **maintain general liability insurance in the amount of at least three hundred thousand dollars (\$300,000), and worker's compensation insurance if the worker's compensation coverage is required by applicable statutes and rules.**

#### **§54-5008. Certificate a prerequisite**

On and after July 1, 2004, ~~it shall be unlawful for any person, or firm, or partnership, company, association or corporation to engage in the business, trade, practice or work of heating, ventilating and air conditioning, refrigeration or other work covered by this chapter in this state unless such person or responsible person representing such firm, or partnership, company, association or corporation has successfully passed an examination as provided herein and has been issued a state certificate of competency or registration in accord with the provisions of this chapter.~~

**§54-5009. Classification of competency and registration**

There shall be four (4) classifications of competency applicable to in mechanical the business, trade, practice or work of heating, ventilation and air conditioning as follows; these competencies; definitions of these competencies are found in section 54-5003:

(1) — An apprentice shall be any person who, as his principal occupation, is engaged in learning and assisting in the installation, improvement, extension and alteration or repair of HVAC systems. An apprentice shall not perform HVAC work except under the supervision of an HVAC journeyman or HVAC contractor. This classification applies to a specialty apprentice as defined in section 54-5003, Idaho Code.

~~(2) A mechanical journeyman shall be any person who, as his principal occupation, is engaged in the installation, improvement, extension and alteration or repair of HVAC systems. And who is familiar with the provisions of this chapter and who works in the employ of an HVAC contractor and who has successfully completed all trade required classes as directed by the board. This classification applies to specialty journeyman as defined in section 54-5003, Idaho Code.~~

**(2) A mechanical residential journeyman**

(3) A mechanical heating, ventilation and air conditioning contractor shall be any business, trade, partnership, company, firm or association engaged in, but not limited to, the business, trade, practice or work of installing, maintaining or repairing heating, ventilation or air conditioning appliances, or gas-fired equipment that requires special venting or gas supply piping systems or subsystems in the state of Idaho.

(4) A mechanical heating, ventilation and air conditioning specialty contractor shall be any person who, as his principal occupation, is engaged in a specific aspect of the heating, ventilation and air conditioning trade that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A certificate of competency issued for the installation of hearth and barbeque products shall include the authority for all low voltage work necessary to complete the installations.

**There shall be two (2) classes of registration applicable to mechanical work:**

**(1) Mechanical apprentice**

**(2) Mechanical specialty trainee**

**§54-5010. Examinations – Notification – Application**

(1) The Idaho mechanical heating, ventilation and air conditioning board shall establish by rule the requirements as to the education, continuing education and examinations relating to classifications of competency.

(2) Times and places for examinations shall meet minimum requirements as be determined by the board; the division shall schedule the examinations, and all applicants shall be notified thereof.

(3) All applications for examination shall be filed with the ~~board~~ division on a form provided by the ~~board~~ administrator. When any person is designated and authorized to be or act as an agent for the applicant, such authorization shall be in writing, signed by the applicant and the person designated, a certified copy of which shall be filed with the ~~board~~ division. All applications shall expire and be cancelled after a period of one (1) year if the applicant fails to appear for examination within such period.

**§54-5011. Certificate of competency**

~~On and after July 1, 2004, a~~ A certificate of competency in the form of a card shall be issued to an applicant upon successful completion of the examination. The card shall include the holder's name, classification for which the applicant ~~was examined~~ is licensed, the year for which the card is current, the holder's signature, certificate number, and the signature of the administrator of the division of building safety. Certificates of competency may be issued for terms of up to three (3) years at the discretion of the administrator.

**§54-5012. Fees for examination, certificates of competency and registration of apprentices**

(1) Application for examination.

(a) (a) HVAC Mechanical contractor or specialty contractor \$ ~~50~~35.00

(b) (b) HVAC Mechanical journeyman or specialty journeyman \$ ~~50~~35.00

(2) Certificate of competency, initial issue, valid for one (1) year; ~~or may be issued at the annual rate for up to three (3) years.~~

(a) (a) HVAC Mechanical contractor or specialty contractor \$ ~~125~~75.00

(b) (b) HVAC Mechanical journeyman, residential journeyman, or specialty journeyman \$ ~~75~~50.00

(3) Renewal of certificate of competency, ~~valid for one (1) year; or may be issued for up to three (3) years.~~

(a) (a) HVAC Mechanical contractor or specialty contractor \$ ~~100~~50.00/yr

(b) (b) HVAC Mechanical journeyman, residential journeyman, or specialty journeyman \$ ~~50~~25.00/yr

(4) Each apprentice and specialty trainee ~~apprentice~~ is required to register with the division of building safety and maintain such registration during the entire period in which work experience is accrued. An apprentice registration shall be valid for five (5) years and shall expire on the last day of the month in which it is set to expire unless renewed. A specialty trainee ~~apprentice~~ registration shall be valid for two (2) years and shall expire on the last day of the month in which it is set to expire unless renewed. The registration fee for an apprentice shall be fifty dollars (\$50.00), and the registration fee for a specialty trainee ~~apprentice~~ shall be twenty dollars (\$20.00). The board shall establish requirements for renewal of apprentice and specialty apprentice registrations.

**§54-5013. Certificate expiration – Renewal – Reinstatement**

(1) Certificates of competency shall expire ~~twelve (12) months from the date of issue, or on the last day of the month of the certification period,~~ unless renewed as provided in this section, or unless sooner revoked or suspended.

(2) Renewal of a certificate may be requested within sixty (60) days prior to the expiration date. Any certificate which has expired may be revived at any time within **two (2) one (1) year**s from the first day of the final month of the certification period **of the expiration date**, by payment of a **fifty thirty-five dollars (\$50.00) (\$35.00)** revival fee in addition to the full annual renewal fee **covering the period of time since the expiration date and the balance of allowable time remaining on the certificate of competency**, and if any, **and** all outstanding civil penalties, permits or other fees and penalties.

~~(3)~~ Any person **partnership, company, firm, association or corporation** whose certificate has been revoked may, after the expiration of one (1) year from the date of such revocation, but not before, apply for a new certificate. ~~Successful application shall require~~ **issuance of a new certificate requires** proof of payment of any and all outstanding civil penalties, permits or other fees and penalties. **The applicant must also demonstrate that any outstanding correction notices and notices of violation have been satisfactorily resolved.**

#### **§54-5013A. Revocation or suspension of certificate – Hearings – Taking testimony – Judicial review**

The administrator shall have the power to revoke or suspend any certificate if the same was obtained through error or fraud, or if the holder thereof is shown to be grossly incompetent, or has willfully violated any of the rules prescribed by the board, or as prescribed in this chapter; or has, after due notice, failed or refused to correct, within the specified time, any HVAC **mechanical** installation not in compliance with the provisions of this chapter, or has failed to pay within the time provided, civil penalties which have become final by operation of law, provided, before any certificate shall be revoked or suspended, the holder thereof shall have written notice enumerating the charges against him, and shall be given a hearing by said administrator, and have an opportunity to produce testimony in his behalf, at a time and place specified in said notice, which time shall not be less than five (5) days after the service thereof. The proceedings shall be governed by the provisions of chapter 52, title 67, Idaho Code. Any party aggrieved by the action of the administrator shall be entitled to judicial review thereof in accordance with the provisions of chapter 52, title 67, Idaho Code.

#### **§54-5014. Certificate to be displayed and carried on the job**

(1) All holders of a valid certificate of competency for the classification of contractor or specialty contractor shall display a sign or card for public view in the holder's place of business.

(2) All journeymen, specialty journeymen, apprentices, and specialty **trainees** ~~apprentices~~ shall have their certificate of competency or ~~annual~~ registration card available at all times while on the job.

#### **§54-5015. Exclusive jurisdiction of the state – Restriction on requirement for additional licenses or fees – Clarification of certification, licensing and permitting requirements.**

(1) Only the administrator of the division of building safety of the state of Idaho is authorized and empowered to conduct examinations and to pass upon the qualifications of applicants, and to grant and issue certificates of competency and registration of apprentices **and trainees** as are found to be qualified to engage in the **mechanical** trade, work or practice of heating, ventilation and air conditioning.

(2) No local jurisdiction shall have the authority to require additional certification or registration or to require payment of any fees in order for any **mechanical** HVAC contractor, specialty contractor, journeyman, **residential journeyman**, specialty journeyman, apprentice or specialty **trainee** apprentice to engage in the **mechanical** heating, ventilation and air conditioning trade within the local jurisdiction or to issue certificates to persons certified or registered under the provisions of this chapter.

(3) Nothing in this chapter shall restrict a city or county from imposing stricter public safety rules, notwithstanding any provision of Idaho Code.

(4) A certificate issued pursuant to chapter 26, title 54, Idaho Code, or a license issued pursuant to chapter 10, title 54, Idaho Code, shall be acceptable for all **mechanical** HVAC installation work that falls within the scope of the certificate or license that has been issued. This will allow:

~~(a) Individuals holding a current HVAC or electrical license or a current plumbing certification to install electrical circuitry from the disconnecting means to a water heater and electrical connections to the water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long;~~

~~(b) Individuals holding a current **mechanical** HVAC or electrical license to install~~

- ~~(i) Electrical space heaters with no attached ductwork;~~
- ~~(ii) Electrical connections to **mechanical** HVAC equipment from the disconnecting means to the unit as long as the disconnect is in sight from the **equipment** unit and the circuit from the disconnecting means to the **mechanical** HVAC equipment is no more than fifty (50) feet long; and~~
- ~~(iii) Ventilating fans, except ducted range hoods in residences;~~

~~(c) Individuals holding either an **mechanical** HVAC certification or plumbing certification to install:~~

- ~~(i) Boilers that are not otherwise subject to inspection by the industrial commission or its authorized agent;~~
- ~~(ii) Fuel piping~~
- ~~(iii) Piping for hydronic systems; and~~
- ~~(iv) Piping for steam and hot water boiler **or chilled water** systems;~~

~~(d) **Mechanical** HVAC licensees to install control wiring of twenty-four (24) volts or less for **mechanical** HVAC equipment **comprising** of five (5) tons or less in capacity.~~

(5) Notwithstanding any other provision of this section, plumbing certificate holders are not authorized to install control wiring ~~for~~ **mechanical** HVAC equipment, regardless of voltage.

**§54-5016. Permits required – Exception – Local government fees allowed**

(1) ~~On and after January 1, 2005, it shall be unlawful for any person, firm, partnership, company, association or corporation to do or cause to be done, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any mechanical heating, ventilation or air conditioning system, in any building, residence or structure in the state of Idaho, without first obtaining a permit from the authority having jurisdiction, authorizing work to be done, except that no permit shall be required to perform work related to repair or maintenance of an existing mechanical HVAC system.~~

(2) ~~To the extent that a plumbing or electrical installation permit issued by the Idaho division of building safety includes any part of an mechanical HVAC system installation, or an mechanical HVAC installation permit issued by the division includes any part of a plumbing or electrical installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspection requirement of the other division programs entities.~~

(3) ~~The plumbing, mechanical HVAC and electrical boards shall promulgate rules adopting fees that allow the division of building safety program entity issuing a permit to charge, in addition to the permit fee it would originally charge, additional permit fees that relate to the mechanical HVAC portion of an installation for which a plumbing or electrical installation permit is being obtained, or the electrical and plumbing portions of an installation for which an mechanical HVAC permit is being obtained.~~

(4) ~~No provision of this chapter shall preclude local governments from collecting fees for permits and inspections where such work is regulated and enforced by city or county code or ordinance. Municipalities may also require fees for permits and inspections in areas designated by local code or ordinance as areas of city impact.~~

**§54-5017. Permits – Applications – Fees**

(1) ~~On and after January 1, 2005, a~~ Any person, firm, partnership, company, association or corporation entitled to receive a permit shall make application to the division of building safety ~~board~~ on a form or in a format approved ~~provided by the~~ division ~~board~~. The application shall require a description of the work proposed to be done, the location, ownership and use of the premises.

(2) ~~Until fees are established by rule of the board, the following fees shall be paid:~~

~~(a) Residential single and duplex family dwelling, a fifty dollar (\$50.00) base permit fee plus an inspection fee of:~~

~~(i) Thirty five dollars (\$35.00) for the first furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances, plus~~

~~(ii) Fifteen dollars (\$15.00) for any additional furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, and similar fixtures or appliances. Fee includes ducts, vents and flues attached thereto.~~

~~(iii) Fifteen dollars (\$15.00) for the first exhaust or ventilation duct such as dryer vents, range hood vents, cook stove vents, bath fan vents, and similar exhaust and ventilation ducts, plus~~

- ~~(iv) — Five dollars (\$5.00) for any additional exhaust and ventilation ducts.~~
- ~~(v) — Fifteen dollars (\$15.00) for the first fixture or appliance outlet of the fuel gas piping system, plus~~
- ~~(vi) — Five dollars (\$5.00) for any additional outlets of the fuel gas piping system.~~
- ~~(b) Multifamily, commercial, institutional, industrial and all other installations, a fifty dollar (\$50.00) base permit fee for each building, plus an inspection fee based on the selling price of the completed installation including equipment, appliances, piping systems, materials, and labor of:~~
  - ~~(i) — Three percent (3%) of the value of the installation through twenty thousand dollars (\$20,000), plus~~
  - ~~(ii) — Two percent (2%) of the value of the installation in excess of twenty thousand dollars (\$20,000) through one hundred thousand dollars, plus~~
  - ~~(iii) — One percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) through two hundred thousand dollars (\$200,000), plus~~
  - ~~(iv) — One half percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000).~~
- ~~(c) Plan check and technical service, a fifty dollar (\$50.00) minimum fee plus fifty dollars (\$50.00) per hour.~~
- ~~(d) Additional and reinspections, a fifty dollar (\$50.00) minimum fee plus an additional fifty dollars (\$50.00) per hour before approval of the installation if the following services are necessary:~~
  - ~~(i) — Trips to inspect when the permittee had given notice to the inspector that the work was ready for inspection when it was not, or if the permittee has not clearly given the location of the installation either by directions or maps, or if the inspector cannot gain access to make the inspection;~~
  - ~~(ii) — Trips to inspect corrections required by the inspector as the result of the permittee improperly responding to a corrective notice;~~
  - ~~(iii) — Each trip necessary to remove a red tag from the job site;~~
  - ~~(iv) — When corrections have not been made in the prescribed time, unless an extension has been requested and granted.~~

~~(3)(2) Expiration of permits. Each permit issued by the **division of building safety** HVAC bureau or authority having jurisdiction, shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional year upon receiving approval from the **division** bureau or authority having jurisdiction, and **payment of** a fifty dollar (\$50.00) renewal fee.~~

~~(4)(3) No permit. Failure to acquire **and** post and send permit and to pay required fees in the prescribed time may result in the assessment of an **investigative** double fee. Any additional offenses within a twelve (12) month period for failure to acquire, post and send permit and to pay required fees in the prescribed time shall result in the assessment of a triple fee.~~

**§54-5018. Inspection by agent**

A designated, qualified, properly identified agent of the *division of building safety or* the authority having jurisdiction, *as applicable,* shall inspect work performed under each permit to ensure compliance with the provisions of this chapter and rules promulgated by the board, and applicable codes and ordinances as adopted.

**§54-5019. Approval and certification of inspection**

The inspector shall either approve the portion of the work completed at the time of inspection, or shall notify the permit holder of a failure to comply with the provisions of this chapter or rules as promulgated by the board. When final inspection has been made and the work is approved, the inspector shall certify to the permit holder by securely attaching an inspector's tag to the equipment *or by another approved method documenting* ~~stating~~ completion of the final inspection.

**§54-5020. Request for inspection – Fee for reinspection**

(1) It shall be the duty of the permit holder to notify the division of building safety at least one (1) *business* day prior to the desired inspection, Sundays and holidays excluded, that the project is ready for inspection. If a reinspection is required after the final inspection due to a failure to meet requirements of this chapter, a fee not to exceed the actual cost of reinspection *may* ~~shall~~ be charged.

(2) Local governments that have adopted mechanical codes shall by ordinance establish times within which permit holders shall notify the authority of the desire for an inspection.

**§54-5021. Appointment and qualification of inspectors – No financial interest**

(1) The administrator of the division of building safety, or the local government having jurisdiction, as the case may be, shall appoint such number of inspectors as are necessary for the effective enforcement of this chapter.

(2) All state mechanical inspectors shall be knowledgeable in *mechanical* HVAC installations and demonstrate knowledge of this chapter and rules of the administrator and the board. All inspectors, including those working for local government *al entities,* shall be certified by rule of the HVAC board as commercial or residential mechanical inspectors, depending upon the duties assigned *type of work being inspected. The mechanical board shall promulgate rules defining acceptable bodies providing certifications.*

(3) No *mechanical* inspector shall be permitted to be engaged or financially interested in *any* business, trade, practice or work related to this chapter, or sell any supplies connected to the *mechanical* HVAC business, nor act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation so engaged in the *mechanical* HVAC business. The qualifications and requirements as set forth in this section shall apply to inspectors employed by a municipality.

(4) ~~Each local government mechanical inspector shall be certified as a mechanical inspector.~~

**A new mechanical inspector hired by the state or local jurisdiction shall obtain the requisite certification within six (6) months of his date of hire or the date when he assumed his current responsibilities. During this six (6) month initiation period, the inspector may conduct mechanical inspections under the direct supervision of a properly certified mechanical inspector, with the supervising inspector signing off on all inspections.**

**§54-5022. Violation—Misdemeanor – Penalty**

It shall be a misdemeanor for any person, firm, partnership, company, association or corporation by and through a member, representative or agent to:

- (1) Engage in the **mechanical** business, trade, practice or work of HVAC without an **appropriate** certificate of competency or without **an appropriate registration**;
- (2) Perform work without a permit as provided in this chapter;
- (3) Violate any provision of this chapter or the rules made by both the administrator of the division of building safety and the Idaho **mechanical** heating, ventilating and air conditioning board;
- (4) Refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time; or
- (5) Fail, neglect or refuse to obey any lawful order given or made by the administrator. Such person, firm, partnership, company, association or corporation shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000). Each day of such violation shall constitute a separate offense. A violation shall be considered a second or additional offense only if it occurs within one (1) year of the first violation.

**§54-5023. Attorney general – Prosecuting attorneys**

It shall be the right and duty of the attorney general or the prosecuting attorneys of the various counties to represent and appear for the people in the state of Idaho and the administrator of the division of building safety in all actions and proceedings involving any question under this chapter or under any order or act of the administrator and perform such other services as required.

**§54-5024. Idaho **mechanical** heating, ventilation and air conditioning board fund created**

All money received by the board or the division of building safety under the terms and provisions of this chapter, shall be paid into the state treasury as directed by the provisions of section 59-5014, Idaho Code, and shall be placed, by the state treasurer, to the credit of the Idaho **mechanical** heating, ventilation and air conditioning board fund, which fund is hereby created as a dedicated fund. All such moneys hereafter placed in said fund, are hereby set aside and perpetually appropriated to the division of building safety to carry out into effect the provisions of this chapter.

# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

## Agenda Item No. 06

## Program Manager Report

**PRESENTER:** Jerry Peterson, HVAC Program Manager

---

**OBJECTIVE:** Report on the recent activities of the HVAC Program.

---

**ACTION:** Informational

---

**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho HVAC Board meetings.

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** No documentation

---



# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

**Agenda Item No. 07**

**Operational Report**

**PRESENTER:** Steve Keys, Deputy Administrator-Operations

---

**OBJECTIVE:** Provide an update on the daily operations of the HVAC Program and Division.

---

**ACTION:** Informational

---

**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho HVAC Board meetings.

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** No documentation

---



# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

**Agenda Item No. 08**

**Administrator Report**

**PRESENTER:** C. Kelly Pearce, Administrator

---

**OBJECTIVE:** Provide an overview of the Division's current activities.

---

**ACTION:** Informational

---

**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho HVAC Board meetings.

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** No documentation

---



# IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD

**Agenda Item No. 08a**

**Financial Report**

**PRESENTER:** Fred Sisneros, Financial Manager

---

**OBJECTIVE:** Review the Idaho HVAC Board's financial report.

---

**ACTION:** Informational

---

**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho HVAC Board meetings.

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:** Financial report

---





**Division of Building Safety**  
 IDAHO HVAC BOARD FUND 0229-08  
 Fiscal Year 2015 Financial Statements  
 As of 3/31/2015

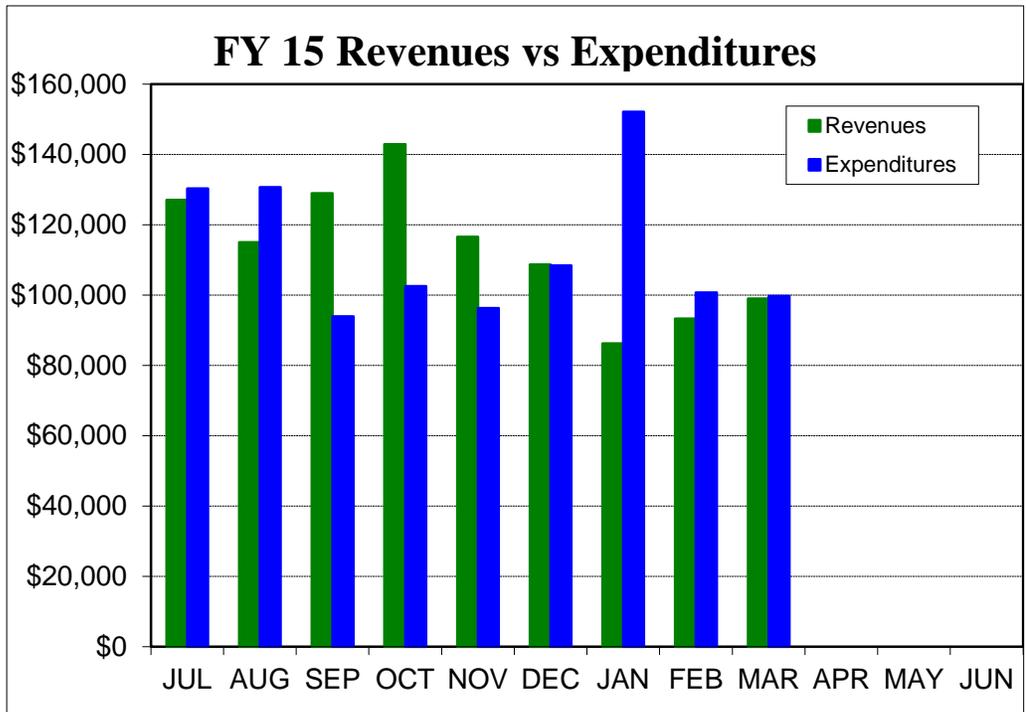
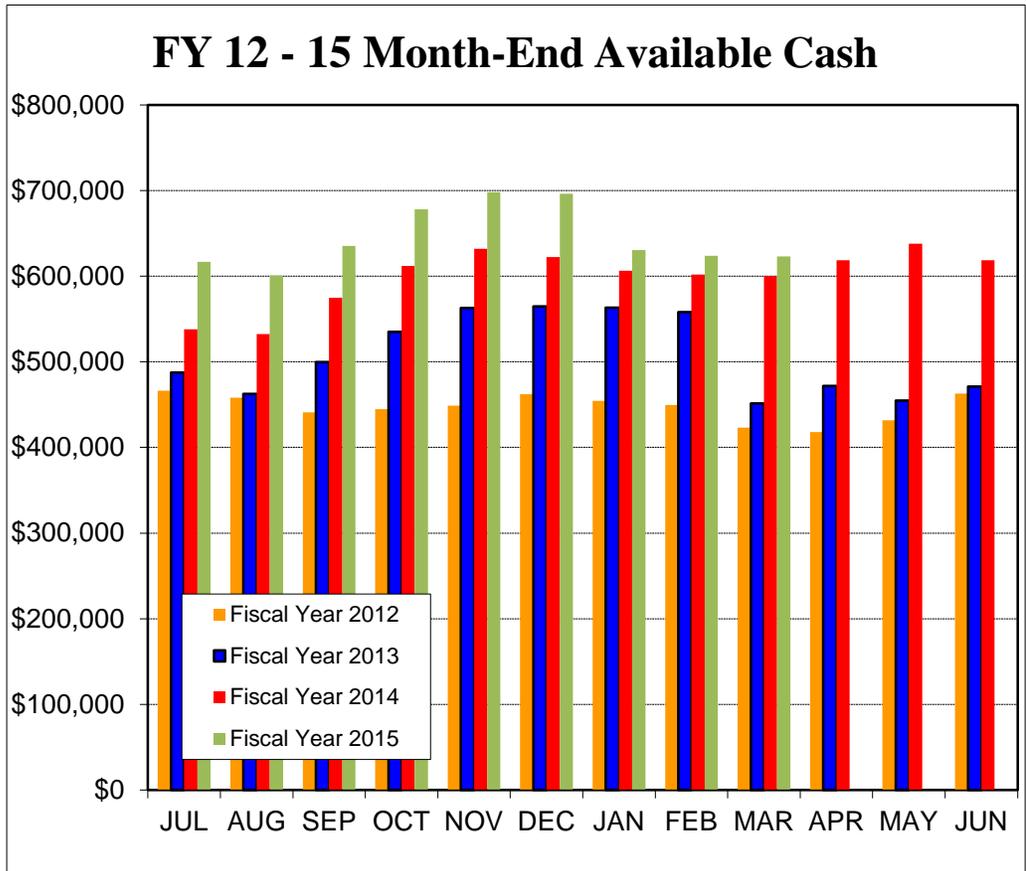
Statement of Revenues and Expenditures

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	1,330,000	1,017,706	76.5%	312,294	352,254	1,369,961	103.0%
Expenditures							
Personnel:	996,000	811,414	81.5%	184,586	243,424	1,054,838	105.9%
Operating:	232,600	191,561	82.4%	41,039	52,034	243,595	104.7%
Capital:	45,600	11,850	26.0%	33,750	33,750	45,600	100.0%
Total Expenditures	1,274,200	1,014,826	79.6%	259,374	329,208	1,344,033	105.5%
Net for FY 2015	55,800	2,880			23,047	25,927	

Statement of Cash Balance

July 1, 2014 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of March 31, 2015	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
618,593	1,017,706	(1,014,826)	1,516	622,989	23,047	646,036

## IDAHO HVAC BOARD FUND 0229-08



# IDAHO HVAC BOARD FUND 0229-08

